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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,098	02/23/2004	David F. Sorrells	1744.1430001	3530
26111	7590	05/04/2006	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			GARY, ERIKA A	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,098

Applicant(s)

SORRELLS, DAVID F.

Examiner

Erika A. Gary

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Naden et al., US Patent Number 6,973,476 (hereinafter Naden).

Regarding claims 1, 12, 22-25, 31, 39, and 56, Naden discloses a method for a first vehicle to automatically exchange objects with a second vehicle in a wireless mobile environment, comprising: (1) approaching the second vehicle (or service station); (2) initiating communication with the second vehicle (or service station), wherein the second vehicle (or service station) is within a wireless communication range of the first vehicle; (3) transmitting a request for objects to the second vehicle (or service station); (4) receiving at least some of the requested objects from the second vehicle (or service station); and (5) processing the received objects [fig. 1; col. 1: line 59 – col. 2: line 34].

Regarding claims 2, 13, 30, 36, 44, and 57, Naden discloses receiving from a user at least one of user preferences, profile, and instructions [col. 3: line 49-53].

Regarding claims 3, 14, 27, 33, 41, and 60, Naden discloses said objects comprise at least one of audio files, video files, multimedia files, software, and skins [col. 2: lines 30-31].

Regarding claims 4, 32, 40, and 66, Naden discloses the steps are performed without human involvement [col. 1: lines 59-61].

Regarding claims 5, 15, 35, 43, and 61, Naden discloses providing payment for said requested objects [col. 5: lines 33-35].

Regarding claims 6, and 62, Naden discloses verifying that said compatible element has a sharing mode enabled; and determining a set of objects said compatible element is sharing [col. 2: lines 23-34].

Regarding claims 7, 20, 34, 42, and 64, Naden discloses receiving a request for objects from said compatible element; and transmitting at least some of said requested objects to said compatible element [col. 4: lines 30-36].

Regarding claims 8, 21, 29, and 65, Naden discloses receiving at least some of said requested objects from at least one of a content provider, a functionality provider, and an interface provider [col. 2: lines 23-34].

Regarding claims 9, 18, 28, 38, and 46, it is inherent to include communicating with a security device of a user, especially since Naden discloses a payment option [col. 5: lines 33-35].

Regarding claims 10, 16, 58, and 63, Naden discloses generating said request based on at least one of said user preferences, profile, and instructions [col. 3: lines 49-53].

Regarding claims 11, 17, 37, 45, and 59, Naden discloses providing said received objects to said user based on at least one of said user preferences, profile, and instructions [col. 4: lines 30-36].

Regarding claims 19, 26, 54, and 55, Naden discloses identifying means identifies said source based on a wireless communication range of operation of said source [col. 2: lines 23-30].

Regarding claims 47, 48, and 53, Naden discloses the apparatus and source includes vehicles [col. 1: lines 60-62].

Regarding claim 49, Naden discloses the source includes a service station [col. 2: lines 25-27].

Regarding claim 50, Naden discloses the apparatus includes a personal digital assistant (PDA) [col. 2: lines 1-3].

Regarding claim 51, Naden discloses the source includes at least one of a restaurant, a store, and an information portal [col. 2: lines 25-27].

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Quarendon et al., US Patent Application Publication Number 2002/0023028, disclose retailing audio files in a fuel dispensing environment.

Chun, US Patent Application Publication Number 2003/0053433, discloses a system and method for communicating between an automobile computer and a remote computer via a short range, high bandwidth communication link.

Karaoguz et al., US Patent Application Publication Number, disclose a media exchange network supporting delivery of media content to authorized vehicles.

Kolls, US Patent Number 6,615,186, discloses communicating interactive digital content between vehicles.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
April 27, 2006


ERIKA A. GARY
PRIMARY EXAMINER